

In Plaintiff’s objections to the report and recommendation, he claims that he “did not have the resources to get into a legal vocabulary battle with trained professionals . . . and did not have access as to all the local rules. . . .” It is noted

that a standing practice order with pertinent local rules on briefing responsibilities was sent to Plaintiff on March 28, 2008.

The orders directing Plaintiff to respond to Defendant's motion are in plain English. He made no attempt to seek an extension of time to file a brief. He did not advise the court that he did not understand what he was procedurally required to do. He waited five months, and only after the report and recommendation was filed, to attempt to explain his failure to abide by court orders. His actions in this situation were clearly dilatory and amounts to failure to prosecute.

An appropriate order will be issued.

s/Sylvia H. Rambo
United States District Judge

Dated: June 18, 2009.

